UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS VICTORIA DIVISION

STATE OF TEXAS, STATE OF LOUISIANA)))
Plaintiffs, v.)) No. 6:21-cv-00016
UNITED STATES OF AMERICA, et al.)
Defendants.)))

JOINT ADVISORY ON AMENDED SCHEDULING ORDER

In light of the Court's Minute Entry of January 25, 2022, the parties have attached a proposed amended scheduling order. The parties are in complete agreement other than about where and when the pretrial conference should be conducted.¹ The parties propose the following alternatives for the scheduling of the pretrial conference:

<u>Plaintiffs' Position</u>: Plaintiffs propose that the Court conduct the pretrial conference at 1:00 p.m. in Courtroom 11A in Houston, Texas. Plaintiffs do not believe there is any reason to deviate from the Court's standard practice for a pretrial conference.

<u>Defendants' Position</u>: Defendants propose that the Court conduct the pretrial conference by video the week of February 7, 2022. At the pretrial, the Court "may address pending motions and objections and pre-mark and pre-admit exhibits." ECF No. 140. Defendants have filed two such motions, ECF Nos. 169 and 171, and the parties have agreed that Plaintiffs will file their responses on February 2, 2022. These motions address whether certain evidence can be submitted and the scope of potential testimony, including whether one of Plaintiffs' proposed witnesses may

¹ The parties proposed approximately three weeks rather than approximately two weeks for their initial post-trial filings to allow time to coordinate with each other on their proposed findings of fact and conclusions of law.

even testify. It would promote judicial economy for the parties to have clarity on these issues ahead of trial. Because the remainder of pre-trial conference would involve pre-marking and pre-admitting exhibits, it would also promote judicial economy for that to be conducted at the same time. If the Court prefers to have the pre-marking and pre-admitting of exhibits in-person on February 22, 2022, Defendants still believe it would be most efficient to have a separate, earlier motions hearing via video on their motions, ECF Nos. 169 and 171, during the week of February 7, 2022.

Date: January 31, 2022

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on January 31, 2022, which automatically serves all counsel of record who are registered to receive notices in this case.

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